

01-10-05

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JW"Express Mail" Label No. EV 470 764686 USDate of Deposit Jan. 6, 2005

PATENT

Docket No.: 020375-003500US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

By: Kevin L. McNeill

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark Thompson

Application No.: 09/965,667

Filed: September 26, 2001

For: SYSTEMS AND METHODS TO
FACILITATE PAYMENT FOR
SHIPPED GOODS

Examiner: Patel, Jagdish

Art Unit: 3624

PETITION TO WITHDRAW HOLDING
OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I was contacted by telephone by the Examiner assigned to the captioned application, Examiner Patel, on January 4, 2005. The Examiner indicated that the Office had received an Appeal Brief filed on July 7, 2004, but had no record of having received a Notice of Appeal. The Examiner indicated that the application is accordingly currently considered by the Office to be abandoned.

I reviewed the internal file for this application and noted that a Notice of Appeal was filed by first-class mail on May 7, 2004. The Notice of Appeal was filed in response to a Final Office Action mailed February 10, 2004 and having a shortened statutory period for


response of three months; its filing was therefore timely. It appears, after conducting an internal investigation, that the return postcard filed with the Notice of Appeal was not received by the law firm at which I am employed.

Applicant hereby petitions for withdrawal of any holding of abandonment since the Notice of Appeal was properly and timely filed in accordance with 37 C.F.R. §1.8. A copy of the Notice of Appeal and accompanying documents filed by first-class mail on May 7, 2004 are provided herewith. The accompanying documents include a Transmittal Form, a Fee Transmittal Form, and a return postcard. The Transmittal Form includes a Certificate of Mailing executed by Nina L. McNeill on May 7, 2004. A Statement by Ms McNeill attesting on a personal-knowledge basis to facts related to the filing is also submitted herewith.

It is thus believed that the requirements under 37 C.F.R. §1.8(b) for affording a filing date of May 7, 2004 to the Notice of Appeal and accompanying documents have been met. Applicant requests that the Notice of Appeal be entered as of that date and that the application be forwarded to the Examiner for consideration of the Appeal Brief filed July 7, 2004.

It is believed that no fee is required, but should the Patent Office determine otherwise, please deduct the requisite fee from Deposit Account 20-1430.

Respectfully submitted,


Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (303) 571-4000
Fax: (415) 576-0300
PMB:pmb

JAN 06 2005

PTO/SB/21 (09-04)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/965,667

Filing Date

September 26, 2001

First Named Inventor

Thompson, Mark

Art Unit

3624

Examiner Name

Patel, Jagdish

Attorney Docket Number

020375-003500US

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
 - ☐ Fee Attached
- ☐ Amendment/Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
 - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
Petition to Withdraw Holding of Abandonment Statement of Nina L. McNeill
Return Postcard

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Townsend and Townsend and Crew LLP

Signature

Patrick M. Boucher

Printed name

Patrick M. Boucher

Date

January 6, 2005

Reg. No.

44,037

CERTIFICATE OF TRANSMISSION/MAILING

Express Mail Label: EV 470764686 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date January 6, 2005 and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Nina L. McNeill

Typed or printed name

Nina L. McNeill

Date

January 6, 2005



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 330

Complete if Known

Application Number	09/965,667
Filing Date	September 26, 2001
First Named Inventor	Thompson, Mark
Examiner Name	Patel, Jagdish
Art Unit	3624
Attorney Docket No.	020375-003500US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
	**	=		X		
Independent Claims		**	=		X	
Multiple Dependent				X		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	330
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)330

SUBMITTED BY

Name (Print/Type) Patrick M. Boucher

Registration No. (Attorney/Agent)

44,037

Telephone

Complete (if applicable)

203-571-4000

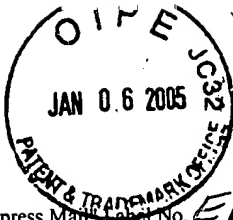
Signature

Patrick B.

Date

May 7, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



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EV47076468645

Date of Deposit

Jan. 6, 2005

PATENT

Docket No.: 020375-003500US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

By: Nina L. McNeill

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark Thompson

Application No.: 09/965,667

Filed: September 26, 2001

For: SYSTEMS AND METHODS TO
FACILITATE PAYMENT FOR
SHIPPED GOODS

Examiner: Patel, Jagdish

Art Unit: 3624

STATEMENT OF NINA L. MCNEILL
UNDER 37 C.F.R. §1.8(B)(3)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The following statements are based on my personal knowledge.
2. I am a Patent Secretary employed by Townsend and Townsend and Crew LLP ("Townsend") at 1200 Seventeenth St., Suite 2700, Denver CO 80202.
3. It is my usual and customary practice when filing papers by first-class mail with the U.S. Patent and Trademark Office ("USPTO") to review the paper after its execution by a patent attorney, to execute the Certificate of Mailing, to make a copy of the fully executed papers, and thereafter to deposit the papers in an envelope addressed to the USPTO. After personally sealing the envelope, it is picked up by an office-services clerk. The office-services clerk is required to affix sufficient postage to the envelope and to entrust all first-class mail

addressed to the USPTO with an office of the U.S. Postal Service on the same day it is received. I believe on information and belief that this procedure is diligently followed.

4. I have reviewed Townsend's file for U.S. Pat. Appl. No. 09/965,667. The file includes a copy of a Notice of Appeal executed by Patrick M. Boucher on May 7, 2004, accompanied by a Fee Transmittal Form and a Transmittal Form. The Transmittal Form specifically indicates that it accompanies a Fee Transmittal Form, a Notice of Appeal, and a Return Postcard. A true copy of these documents is attached to this Statement.

5. My signature appears on the Certificate of Mailing for the Transmittal Form.

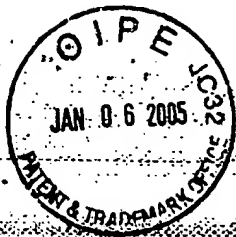
6. My best recollection is that I did not deviate from my usual and customary practice described above and that the papers identified in ¶4 were entrusted with the U.S. Postal Service on May 7, 2004.

January 6, 2005

Nina L. McNeill

Nina L. McNeill

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Tel: (303) 571-4000
Fax: (415) 576-0300
PMB/nlm
60391841 v1



BEST AVAILABLE COPY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please stamp the date of receipt of the following document(s):

For: SYSTEMS AND METHODS TO FACILITATE PAYMENT FOR SHIPPED GOODS

1. Transmittal Form
2. Fee Transmittal
3. Notice of Appeal (in duplicate)

Appl. No. 09/965,667
Date Filed: September 26, 2001
Date Mailed: May 7, 2004
Atty. Docket No. 020375-003500US
Atty/Sec: PMB/nlm (Den)

NLM Docketing MAY 07 2003

